

### **Amendments to the Drawings**

**Fig. 6** has been amended to correct a typographical error, whereby the phrase “which were transferred” was inadvertently typed originally as “where were transferred”.

No new matter is introduced with this correction.

## REMARKS

The Drawings and Claims 1, 3, 13, 16, and 18 have been amended. Claim 21 has been added. No new matter has been introduced with these amendments or added claim, all of which are supported in the application as originally filed. Claim 20 has been cancelled from the application without prejudice. Claims 1 - 19 and 21 are now in the application.

Applicant is not conceding that the subject matter encompassed by the claims as presented prior to this Amendment is not patentable over the art cited by the Examiner, and claim amendments and cancellations in the present application are directed toward facilitating expeditious prosecution of the application and allowance of the currently-presented claims at an early date. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the claims as presented prior to this Amendment and additional claims, in one or more continuing applications.

### I. Proposed Replacement Drawing

A proposed replacement drawing is provided herewith for **Fig. 6**, as discussed above in “Amendments to the Drawings”. No new matter has been introduced with this proposed replacement drawing.

### II. Rejection under 35 U. S. C. §112, second paragraph

Paragraphs 3 - 4 of the Office Action dated July 3, 2008 (hereinafter, “the Office Action”) indicate that Claims 1 and 20 are rejected under 35 U.S.C. §112, second paragraph, for reasons of

antecedent basis. Claim 20 has been cancelled from the application without prejudice, and appropriate amendments are submitted herewith to clarify the language of Claim 1. The Examiner is therefore respectfully requested to withdraw this rejection.

III. Rejection under 35 U. S. C. §102(e)

Paragraph 6 of the Office Action states that Claims 1 - 20 are rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent Publication 2003/0177025 to Cerkendall et al. (hereinafter, “Cerkendall”). Claim 20 has been cancelled from the application without prejudice, rendering the rejection moot as to that claim. This rejection is respectfully traversed with regard to remaining Claims 1 - 19.

As stated by the Court of Appeals for the Federal Circuit, “Anticipation under 35 U.S.C. §102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention.” *Apple Computer Inc. v. Articulate Sys. Inc.*, 57 U.S.P.Q.2d 1057, 1061 (Fed. Cir. 2000), emphasis added. In another case, the Court of Appeals stated that a finding of anticipation requires that there must be no difference between the claimed invention and the disclosure of the cited reference as viewed by one of ordinary skill in the art. See *Scripps Clinic & Research Foundation v. Genentech Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). In yet another case, the Court of Appeals held that a finding of anticipation requires absolute identity for each and every element set forth in the claimed invention. See *Trintec Indus. v. Top-U.S.A. Corp.*, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002).

The analysis of Cerkendall in the Office Action will now be discussed with reference to selected ones of Applicant's claims, thereby demonstrating that the Office Action fails to make out a *prima facie* case of anticipation as to Applicant's claimed invention.

Independent Claim 1:

With regard to the "assigning ..." claim element recited on lines 5 - 6 of Applicant's Claim 1, the Office Action cites para. [0020] of Cerkendall as teaching

it is desirable to automate the identification and data entry in order to reduce expense and to improve accuracy of the data. These devices typically produce either a unique alphanumeric code or a unique decimal code.

Office Action, p. 3, lines 12 - 15.

Applicant respectfully disagrees with this analysis. The "unique alphanumeric ... or decimal code" referenced in para. [0020] is an identifier that uniquely identifies the device. See, for example, the subsequent paragraph [0021], which discusses "electronic identification devices and systems" for "providing identification of livestock" (para. [0021], lines 1 - 3) – that is, ways of identifying particular animals with a device that has its own unique identifier code. The described devices include:

- "a transponder carried with the individual animal on a collar" (para. [0021], lines 7 - 8);
- "a transponder implanted in the animal" (para. [0021], line 14); and
- "a bolus such as illustrated ... in U.S. Pat. No. 4,262,632" (para. [0021], lines 19 - 20), noting that this cited patent uses the term "capsule" as a synonym for "bolus"

to describe a device that is designed to “reside permanently in the animal’s second stomach or reticulum” (U.S. Pat. No. 4,262,632, Abstract).

When an animal bearing one of these transponders or bolus devices passes a reader, the reader can determine which animal it is because the transponder and bolus “... devices typically produce either a unique alphanumeric code or a unique decimal code” (para. [0020], last sentence). See also para. [0108], discussing ways of uniquely identifying an animal that include an RFID ear tag **32** or as alternatives, “an RFID implant, a rumen bolus, or a collar fitting on a neck or leg”, and para. [0110], which discusses capturing an animal’s identification using its RFID, implant, or bolus transponder. Para. [0205] also discusses use of “... transponders **32** in the form of electronic ear tags, implants, boli[,] or neck or leg collars to provide unique identification for each animal”, emphasis added.

Para. [0111] discusses a different use of the unique identifier emitted by a transponder device. In this case, a “Work Card” **31** is a device that embodies a plurality of transponders **42**, **43**, **44**, each such transponder being associated with a different event. The signal emitted by the transponder can be captured, thereby signifying occurrence of that event. See para. [0111], lines 1 - 7 and para. [0124], lines 5 - 7 (“The reader may read an animal RFID transponder **32** [which will uniquely identify the animal] and a Work Card **31**, which consists of multiple event RFID transponders [and which will therefore uniquely identify one of the events from the Work Card].”). See also para. [0127], which refers to the RFID transponders on the Work Card using the term “Action Tags” and stating:

Rather than typing in events at the computer keyboard, events are assigned to the Action Tags ahead of time so that the [Action] tags are simply scanned with the same reader used to scan animals in order to enter events or update fields in an animal's record. (emphasis added)

The Action Tags on a Work Card are also discussed at (*inter alia*) para. [0128], stating “The Action Tags are typically affixed to a Word Card alongside their corresponding event labels.”, and para. [0209].

By using one transponder that uniquely identifies an animal and another transponder that uniquely identifies an event, if animals are being vaccinated (by way of example of an event), the fact that a particular animal has received its vaccination can be indicated by scanning the animal identifier from the transponder 32 and scanning a transponder labeled as “vaccination” from the Work Card 31, as discussed in para. [0127], last two sentences. This process is also discussed with reference to **Fig. 37** in para. [0325], referring to capturing the “unique animal code” from the animal's transponder (step 2200; para. [0325], lines 4 - 5) and capturing the event code from a transponder on the Work Card (step 2600; para. [0325], lines 12 - 13).

Applicant notes that one example discussed in Cerkendall is placing a transponder on a Work Card to “record changes in animals' locations”. See para. [0130], which refers to a “LOCATION” event having event “details” corresponding to different pens, by way of example. However, in sharp contrast to Applicant's claim language as recited on lines 5 - 6 of Claim 1, this does not “provid[e] a unique identification of the transfer” (emphasis added). If a particular transponder 42 is associated with the “PEN-1” location and another transponder 43 is associated with the “PEN-2” location, for example, then every transfer to “PEN-1” will specify an identical

alphanumeric or decimal code – namely, the device-specific “unique” code that is assigned to transponder 42. Similarly, every transfer to “PEN-2” will specify an identical alphanumeric or decimal code – namely, the device-specific “unique” code that is assigned to transponder 43. Applicant’s claimed invention, by contrast, provides a unique identifier for each transfer (see Claim 1, lines 3 - 6).

Accordingly, as has been demonstrated above, the Office Action fails to cite a reference that teaches the claim language as recited on lines 5 - 6 of Claim 1.

With regard to the “repeating ...” claim element recited on lines 7 - 10 of Claim 1, the Office Action cites paras. [0022] and [0020]. In particular, for the “repeating the creating and assigning for each of at least one subsequent transfer of one or more of the animals” claim language (Claim 1, lines 7 - 8), the Office Action cites para. [0022] of Cerkendall as teaching

there is a need to provide a means for individual animal identification throughout the production cycle and to minimize the difficulty of data entry throughout the industry.

Office Action, p. 3, lines 16 - 19. And, for the “wherein the animal passport created for each subsequent transfer also records the unique passport identifier assigned to each most-recent previous transfer of those animals” (Claim 1, lines 8 - 10), the Office Action cites para. [0020] of Cerkendall as teaching

it is desirable to automate the identification and data entry in order to reduce expense and to improve accuracy of the data. These devices typically produce either a unique alphanumeric code or a unique decimal code.

Office Action, p. 4, lines 1 - 4.

Applicant respectfully disagrees with this analysis. Regarding the citation to para. [0022], Applicant respectfully submits that a general discussion of desiring to provide individual animal identification is simply not the same as repeating (1) the creating of an animal passport that represents a transfer of animals and (2) the assigning of a unique passport identifier to such created animal passports, “thereby providing a unique identification of the transfer” (Claim 1, lines 7 - 8, referring to antecedents on lines 3 - 6, emphasis added).

And, regarding the citation to para. [0020], Applicant has demonstrated above that the cited text in this paragraph of Currkendall pertains to unique identifiers of a device, and that the device does not generate unique identifiers of transfers but rather would repeatedly generate identical identifiers for each transfer event detected by a particular device.

Furthermore, the Office Action fails to explain how the cited text of para. [0020] supposedly teaches “each subsequent transfer also records the unique passport identifier assigned to each most-recent previous transfer ...” as recited by Applicant on lines 8 - 10 of Claim 1. In fact, Applicant finds nothing in the cited text that could be equated to Applicant’s claimed passport created for a subsequent transfer (Claim 1, line 7, repeating the “creating” as recited on lines 3 - 4) that has a unique passport identifier assigned thereto in order to uniquely identify that subsequent transfer (Claim 1, line 7, repeating the “assigning” as recited on lines 5 - 6) and that also records the unique passport identifier of each most-recent previous transfer (Claim 1, lines 8 - 10).

Accordingly, as has been demonstrated above, the Office Action fails to cite a reference that teaches the claim language as recited on lines 8 - 10 of Claim 1.

In view of the above, it can be seen that Cerkendall does not disclose each and every limitation of Applicant's claimed invention as recited in independent Claim 1. Claim 1 is therefore not anticipated by Cerkendall, according to the above-discussed **Apple Computer Inc.** Applicant has also demonstrated, above, that there are a number of differences between his claimed invention and the disclosure of Cerkendall as viewed by one of ordinary skill in the art, and Claim 1 is therefore not anticipated by Cerkendall according to the above-discussed **Scripps Clinic & Research Foundation**. Finally, it can also be seen that Cerkendall does not disclose Applicant's claimed invention with absolute identity for each and every element as recited in Applicant's Claim 1, and Claim 1 is therefore not anticipated by Cerkendall according to the above-discussed **Trintec Indus.**

All dependent Claims 2 - 15 are deemed patentable by virtue of (*inter alia*) the patentability of Claim 1 from which they depend. Selected ones of these dependent claims will now be discussed in further detail.

Dependent Claim 2:

With reference to Claim 2, the Office Action cites para. [0140] of Cerkendall as teaching the user may either verify or make changes to his Work Card through "Edit Work Card" from the start menu.

Office Action, p. 4, lines 7 - 9.

Applicant respectfully disagrees with this analysis. The “Work Card” referenced in para. [0140] pertains to a physical device on which one or more transponders are mounted. See **Fig. 5**, illustrating a Work Card **31** on which 3 transponders **42**, **43**, and **44** are mounted. See also the corresponding description in para. [0111], which states “... a Work Card **31** ... is a collection of common tasks or events that are assigned unique RFID transponder codes ... such that the reader [shown in **Fig. 5** at reference number **30** and discussed in para. [0110] as being an “RFID reader”] can designate an event by reading the transponder [that is, a signal emitted by any of the transponders **42 - 44**] associated with [that] event”. See also the discussion of paras. [0127] and [0325], above, explaining how the signal from an event transponder (i.e., an “Action Tag”) can be scanned by an RFID reader in order to associate occurrence of a particular event with a separately-scanned animal identifier.

Accordingly, the discussion of verifying or making changes to a Work Card, as is presented at lines 1 - 3 of the cited para. [0140], refers to determining what event is associated with each of the transponders on that Work Card. See lines 3 - 5 of para. [0140], stating “In order to verify that an Action Tag is actually associated with the correct event, the user will scan the Action Tag.” and lines 5 - 9 then explain that an error message will be generated if that scanned Action Tag already has an event associated therewith.

The Office Action provides no indication of how this verification of an association

between a transponder and an event is supposedly disclosing the “signed by a transferor and transferee ...” as recited on line 2 of Claim 2 (emphasis added). In fact, Applicant respectfully submits that para. [0140] has no such teaching.

Accordingly, as has been demonstrated above, the Office Action fails to cite a reference that teaches the claim language as recited in Claim 2. The Office Action therefore fails to make out a *prima facie* case of anticipation as to Claim 2. Claim 2 is also deemed patentable by virtue of the patentability of Claim 1 from which it depends.

Dependent Claim 3:

With reference to Claim 3, the Office Action cites para. [0027] of Currkendall as teaching

At different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system.

Office Action, p. 4, lines 11 - 15.

Applicant has amended Claim 3 herein to more specifically recite that the claimed “repository” is a third-party repository. This is discussed at a number of places in Applicant’s Specification. See, for example, p. 24, lines 17 - 19 and Block 540 of **Fig. 5**. While the cited para. [0027] does discuss various databases, these are databases maintained by parties who would be a transferor or transferee if a transfer of animals took place. Accordingly, such databases cannot be equated to Applicant’s recited “third party” repository as claimed in Claim 3 (as

currently presented).

Claim 3 is therefore deemed patentable over Curkendall. Claim 3 is also deemed patentable by virtue of the patentability of Claim 1 from which it depends.

Dependent Claim 11:

With reference to Claim 11, the Office Action cites para. [0032] of Curkendall as teaching

transfer animal data from one database to another on the same machine or within a network such as the world wide web; transfer animal records from one entity to another; and communicate with other databases for sharing information concerning the livestock.

Office Action, p. 6, lines 14 - 17.

Applicant respectfully disagrees with this analysis. The Office Action fails to provide any explanation of how transferring animal data from one database to another, transferring animal records among entities, and/or communicating with databases for sharing information (as noted in the Office Action with reference to the cited para. [0032]) supposedly teaches that animal passports specify individual animal identifications (Claim 11) in addition to having unique passport identifiers assigned thereto for uniquely identifying the transfers represented by the animal passports (as recited in Claim 1, from which Claim 11 depends).

The Office Action therefore fails to make out a *prima facie* case of anticipation with regard to Claim 11, and Claim 11 is therefore deemed patentable over Curkendall. Claim 11 is also deemed patentable by virtue of the patentability of Claim 1 from which it depends.

Dependent Claim 12:

With reference to Claim 12, the Office Action cites para. [0205] of Currkendall as teaching

although the data collection system can operate manually with visual animal identification, the preferred operation is with Radio Frequency Identification (RFID) transponders 32 in the form of electronic ear tags, implants, boli or neck or leg collars to provide unique identification for each animal.

Office Action, p. 7, lines 4 - 8.

Applicant respectfully disagrees with this analysis. As discussed above with regard to Claim 1, the data collection described in para. [0205] refers to scanning the transponder or bolus device of an individual animal to determine that animal's unique animal identifier (i.e., the identifier transmitted by the transponder or bolus device). The Office Action fails to provide any explanation of how this has any relationship to including additional animals in a subsequent transfer (Claim 12, lines 1 - 2), and creating a passport for that subsequent transfer that has assigned thereto a unique identifier (referring to the antecedent in Claim 1, lines 3 - 6) and that records the unique passport identifier of each most-recent previous transfer of the animals (referring to the antecedent in Claim 1, lines 7 - 10) including the most-recent previous transfer of the additional animals (Claim 12, lines 2 - 4).

The Office Action therefore fails to make out a *prima facie* case of anticipation with regard to Claim 12, and Claim 12 is therefore deemed patentable over Currkendall. Claim 12 is also deemed patentable by virtue of the patentability of Claim 1 from which it depends.

Dependent Claim 13:

The Office Action fails to provide a citation for the claim language “wherein animal passports are created for each transfer during a lifetime of the animals”, as recited on lines 1 - 2 of Claim 13.

With reference to the “recording ...” claim element recited on lines 3 - 7 of Claim 13, the Office Action cites paras. **[0027]** and **[0012]** of Cerkendall. In particular, for the “recording each of the animal passports in a repository, wherein each of the animal passports further comprises a specification of how many animals are represented by each transfer” claim language (Claim 13, lines 3 - 5), the Office Action cites para. **[0027]** of Cerkendall as teaching

At different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system.

Office Action, p. 7, lines 13 - 17.

Applicant has amended Claim 13 herein to more specifically recite that the claimed “repository” is maintained by a third-party (as has been discussed above with reference to Claim 3). While the cited para. **[0027]** does discuss various databases, these are databases maintained by parties who would be a transferor or transferee if a transfer of animals took place. Accordingly, such databases cannot be equated to Applicant’s recited “repository that is maintained by a third party” as claimed in Claim 13 (as currently presented).

For at least the reasons set out above, Applicant respectfully submits that the Office Action fails to make out a *prima facie* case of anticipation with regard to Claim 13, and Claim 13 is therefore deemed patentable over Cerkendall. Claim 13 is also deemed patentable by virtue of the patentability of Claim 1 from which it depends.

Dependent Claim 14:

With reference to the “each of the animal passports further comprises ...” claim element recited on lines 2 - 5 of Claim 14, the Office Action cites para. [0131] of Cerkendall as teaching core events in the data collection supply chain including identification, location, transfer and origin.

Office Action, p. 8, lines 13 - 14.

Applicant respectfully disagrees with this analysis. While Applicant acknowledges that para. [0131] does discuss a number of different “core events”, these are described as individual events that may apply at various times during an animal’s lifetime. There is no discussion in para. [0131] of a single passport (that is, “each of the animal passports”; Claim 14, line 2, emphasis added) including (1) a specification of how many animals were transferred; (2) a location of the animals during a timeframe covered by the animal passport, and (3) an identification of (i) one or more transferors and (ii) one or more transferees who are parties to the transfer, in contrast to the claim language as recited on lines 2 - 5 of Claim 14. Furthermore, para. [0131] fails to disclose a passport that includes of all this information and that has a unique passport identifier assigned thereto, referring to the antecedent as recited in Claim 1.

Regarding the “preparing ...” claim element recited on lines 10 - 12 of Claim 14, the Office Action cites para. [0363] of Cerkendall as teaching

these 16 items support the current reporting needs of the IQSBN to track animal origin, genetics and production information.

Office Action, p. 9, lines 3 - 5.

Applicant respectfully disagrees with this analysis. The claim language recited on lines 10 - 12 of Claim 14 explicitly states “preparing a country of origin claim [that] indicates whether the selected animal has been located only in a selected country ...” (emphasis added). Para. [0363] fails to disclose preparing any kind of “claim” that indicates whether an animal has been located only in a selected country. Instead, para. [0363] refers to **Fig. 54** as providing “a report ... to show information for each animal”, and Applicant notes that **Fig. 54** provides rows of information, none of which indicates any type of “claim” about whether [or not] an animal has been located only in a selected country.

For at least the reasons presented above, Applicant respectfully submits that the Office Action fails to make out a *prima facie* case of anticipation with regard to Claim 14, and Claim 14 is therefore deemed patentable over Cerkendall. Claim 14 is also deemed patentable by virtue of the patentability of Claim 1 from which it depends.

Dependent Claim 15:

With reference to the “recording ...” claim element recited on lines 3 - 6 of Claim 15, the Office Action cites para. [0027] of Currkendall as teaching

At different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system.

Office Action, p. 9, line 16 - p. 10, line 2.

Applicant respectfully disagrees with this analysis. While Applicant acknowledges that para. [0027] generally discusses databases, there is no discussion in para. [0027] of a single passport (that is, “each of the animal passports”; Claim 15, lines 3 - 4, emphasis added) including (1) a specification of how many animals are represented by the transfer represented by that passport; (2) a location of the animals during a timeframe covered by the animal passport, and (3) an identification of (i) one or more transferors and (ii) one or more transferees who are parties to the transfer, in contrast to the claim language as recited on lines 3 - 6 of Claim 15. Furthermore, para. [0027] fails to disclose a passport that includes of all this information and that has a unique passport identifier assigned thereto, referring to the antecedent as recited in Claim 1.

Regarding the “constructing a chain ...” claim element recited on lines 7 - 10 of Claim 15, the Office Action cites para. [0012] of Currkendall as teaching

recording beginning, ending, and periodic weight measurements and treatments; and recording vaccinations, movement and ownership changes, and other significant events that have occurred in the animal’s life in order to track of the success of treatments as well as to eliminate duplicate treatments.

Office Action, p. 10, lines 6 - 10.

Applicant respectfully disagrees with this analysis. Applicant finds no discussion in para. [0012] of “constructing a chain of ownership transfers”, or of “using each of the most-recent previous unique *passport identifiers* recorded on the animal passports”, in contrast to the claim language recited on lines 7 - 10 of Claim 15 (emphasis added).

With regard to the “verifying ...” claim language recited on lines 11 - 12 of Claim 15, the Office Action cites para. [0363] of Cerkendall as teaching

these 16 items support the current reporting needs of the IQSBN to track animal origin, genetics and production information.

Office Action, p. 10, lines 12 - 13.

Applicant respectfully disagrees with this analysis. The claim language recited on lines 11 - 12 of Claim 15 explicitly states “verifying a country of origin claim ... by comparing the determined locations to one or more locations stated in the country of origin claim.” (emphasis added). Para. [0363] fails to disclose a “country of origin claim”, “one or more locations” stated in such claim, or any “comparing” of “determined locations” to “locations stated ...”. The report illustrated in **Fig. 54** and discussed in para. [0363] also fails to disclose such information.

For at least the reasons presented above, Applicant respectfully submits that the Office Action fails to make out a *prima facie* case of anticipation with regard to Claim 15, and Claim 15 is therefore deemed patentable over Cerkendall. Claim 15 is also deemed patentable by virtue of the patentability of Claim 1 from which it depends.

Independent Claim 16:

With regard to the “a unique identifier ...” claim element recited on line 3 of Claim 16, the Office Action cites para. [0205] of Curnkendall as teaching

although the data collection system can operate manually with visual animal identification, the preferred operation is with Radio Frequency Identification (RFID) transponders 32 in the form of electronic ear tags, implants, boli or neck or leg collars to provide unique identification for each animal.

Office Action, p. 10, line 17 - p. 11, line 2.

Applicant respectfully disagrees with this analysis. As discussed above with regard to Claims 1 and 12, the data collection described in para. [0205] refers to scanning the transponder or bolus device of an individual animal to determine that animal’s unique animal identifier (i.e., the identifier transmitted by the transponder or bolus device). See para. [0205], lines 5 - 6, “... to provide unique identification for each animal”, emphasis added. In sharp contrast, the claim language recited on line 3 of Claim 16 explicitly refers to “a” unique identifier associated with each transfer of a group of animals.

Accordingly, the Office Action fails to cite a reference that teaches the claim language as recited on line 3 of Claim 16.

With regard to the “a repository ...” claim element recited on lines 4 - 6 of Claim 16, the Office Action cites para. [0027] of Curnkendall as teaching

at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his

own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system.

Office Action, p. 11, lines 3 - 7.

Applicant respectfully disagrees with this analysis. As noted above, Applicant acknowledges that para. [0027] generally discusses databases. However, there is no discussion in para. [0027] of a repository that records a unique identifier of each transfer of a group of animals (Claim 16, lines 3 - 5), along with a specification of how many animals are in the group and an identification of the transferor(s) and transferee(s).

Accordingly, the Office Action fails to cite a reference that teaches the claim language as recited on lines 4 - 6 of Claim 16.

With regard to the “linkage ...” claim element recited on lines 7 - 9 of Claim 16, the Office Action cites para. [0395] of Currkendall as teaching

A live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively.

Office Action, p. 11, lines 18 - 21.

Applicant respectfully disagrees with this analysis. It is clear that the cited text from para. [0395] is discussing an individual animal. By sharp contrast, the claim language recited on lines 7

- 9 of Claim 16 describes “linkage” in terms of identifiers associated with a transfer of a group of animals: that is, in the claim language “specified association between a new unique identifier ... and the unique identifier of the prior transfer”, the portion “unique identifier of the prior transfer” has its antecedent on line 3, referring to a transfer of a group of animals. Notably, the identifiers referred to in Claim 16 are identifiers of transfers, not identifiers of (individual) animals as described by Cerkendall in para. [0395].

Furthermore, whereas para. [0395] explicitly specifies that an animal’s ID is “common [that is, unchanged] through changes of ownership”, lines 7 - 9 of Applicant’s Claim 16 recite a new unique identifier associated with “each such subsequent transfer” of the animals. See, for example, Applicant’s **Fig. 1**, where a group of 80 cattle is transferred from “Ranch C” to “Order Buyer” and then from “Order Buyer” to “Feedlot B”. Even though the same 80 cattle are in both transfers (Specification, p. 18, lines 8 - 11), the transfers have different, unique identifiers. Those transfers are represented in **Fig. 1** by “Passport 3” and “Passport 6”, respectively. The “unique identifier” recited on line 3 of Claim 16 and the “unique identifier of the prior transfer” recited on line 9 of Claim 16 correspond, in this example, to “Passport 3”, whereas the “new unique identifier” recited on line 8 of Claim 16 corresponds to “Passport 6”.

Accordingly, the Office Action fails to cite a reference that teaches the claim language as recited on lines 7 - 9 of Claim 16.

In view of the above, it can be seen that Cerkendall does not disclose each and every

limitation of Applicant's claimed invention as recited in independent Claim 16. Claim 16 is therefore not anticipated by Cerkendall, according to the above-discussed *Apple Computer Inc.* Applicant has also demonstrated, above, that there are a number of differences between his claimed invention and the disclosure of Cerkendall as viewed by one of ordinary skill in the art, and Claim 16 is therefore not anticipated by Cerkendall according to the above-discussed *Scripps Clinic & Research Foundation*. Finally, it can also be seen that Cerkendall does not disclose Applicant's claimed invention with absolute identity for each and every element as recited in Applicant's Claim 16, and Claim 16 is therefore not anticipated by Cerkendall according to the above-discussed *Trintec Indus.*

Independent Claim 16 is therefore deemed patentable over Cerkendall, and dependent Claim 17 is deemed patentable by virtue of the patentability of Claim 16 from which it depends.

Independent Claim 18:

With regard to the "associating ..." claim element recited on lines 3 - 4 of Claim 18, the Office Action cites para. [0395] of Cerkendall as teaching

Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively.

Office Action, p. 12, lines 13 - 15.

Applicant has amended the claim language of Claim 18 herein to clarify that the recited

“unique identifier” is an identifier associated with a transfer (of animals). This is not disclosed by para. [0395] of Cerkendall, as has been discussed above with regard to Claim 16.

The Office Action therefore fails to cite a reference that teaches the claim language as recited on lines 3 - 4 of Claim 18.

With regard to the “associating a different unique identifier ...” claim element recited on lines 5 - 6 of Claim 18, the Office Action cites para. [0395] of Cerkendall as teaching

A live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively

Office Action, p. 12, line 17 - p. 13, line 2.

Applicant respectfully disagrees with this analysis. As noted above, the “identifier” recited in Applicant’s claim language is an identifier of a transfer, whereas the identifiers discussed in para. [0395] are identifiers of individual animals. And, as discussed above with regard to Claim 16 and passports 3 and 6 in **Fig. 1**, para. [0395] explicitly states that the animal IDs discussed therein remain “common”, or unchanged, through changes of ownership of the animal, which is in sharp contrast to Applicant’s claim language reciting a different unique identifier that is associated with each “subsequent transfer”.

Accordingly, the Office Action fails to cite a reference that teaches the claim language as recited on lines 5 - 6 of Claim 18.

With regard to the “linking ...” claim element recited on lines 7 - 9 of Claim 18, the Office Action cites para. [0395] of Cerkendall as teaching

A live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively.

Office Action, p. 13, lines 5 - 8.

Applicant respectfully disagrees with this analysis. As discussed above, the identifiers referred to in Claim 18 are identifiers of transfers, not identifiers of (individual) animals as described by Cerkendall in para. [0395]. And, in contrast to the animal IDs that are “common” or unchanged through changes of ownership as stated in para. [0395] of Cerkendall, lines 7 - 9 of Applicant’s Claim 18 explicitly recite linking a different unique identifier associated with a subsequent transfer (for example, a unique identifier associated with “Passport 6” of **Fig. 1**) with the unique identifier associated with a most-recent previous transfer (for example, a unique identifier associated with “Passport 3” of **Fig. 1**).

Accordingly, the Office Action fails to cite a reference that teaches the claim language as recited on lines 7 - 9 of Claim 18.

In view of the above, it can be seen that Cerkendall does not disclose each and every limitation of Applicant’s claimed invention as recited in independent Claim 18. Claim 18 is therefore not anticipated by Cerkendall, according to the above-discussed *Apple Computer Inc.*

Applicant has also demonstrated, above, that there are a number of differences between his claimed invention and the disclosure of Cerkendall as viewed by one of ordinary skill in the art, and Claim 18 is therefore not anticipated by Cerkendall according to the above-discussed ***Scripps Clinic & Research Foundation***. Finally, it can also be seen that Cerkendall does not disclose Applicant's claimed invention with absolute identity for each and every element as recited in Applicant's Claim 18, and Claim 18 is therefore not anticipated by Cerkendall according to the above-discussed ***Trintec Indus.***

Independent Claim 18 is therefore deemed patentable over Cerkendall, and dependent Claim 19 is deemed patentable by virtue of the patentability of Claim 18 from which it depends.

In view of the above, the Examiner is respectfully requested to withdraw the §102 rejection of all remaining claims as currently presented.

#### IV. Added Claim 21

Applicant respectfully submits that added Claim 21 recites a number of elements not disclosed by Cerkendall. For example, Applicant respectfully submits that Cerkendall does not disclose “completing … a passport document …” as recited on lines 2 - 12 of Claim 21; “recording … in a repository maintained by a third party …” as recited on lines 13 - 19 of Claim 21; or “using the entries in the [third-party] repository to determine … whether a country of origin claim can be made stating that the selected one was always physically located … in a particular country by comparing, in each of the entries that pertains to transferring the selected animal, the location to

the particular country" as recited on lines 21 - 24 of Claim 21.

Claim 21 is therefore deemed patentable over the teachings of Curkendall.

V. Conclusion

Applicant respectfully requests reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

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Attachment: Replacement Sheet (1)